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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	
)	Chapter 15 Case
FAIRFIELD SENTRY LIMITED, <i>et al.</i> ,)	
)	Case No. 10-13164 (SMB)
Debtors in Foreign Proceedings.)	
)	Jointly Administered
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
-against-)	Adv. Pro. No. 10-03635
)	(SMB)
ABN AMRO Schweiz AG, <i>et al.</i> ,)	
)	
Defendants.)	
)	
This document is also being filed in the lead adversary)	
proceeding, <i>Fairfield Sentry Ltd. (in Liquidation), et al. v.</i>)	
<i>Theodoor GGC Amsterdam, et al.</i> , Adv. Pro. No. 10-03496.)	
)	

**DEFENDANT-APPELLEE’S COUNTER-STATEMENT
OF ISSUES TO BE PRESENTED AND COUNTER-DESIGNATION
OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Defendant-Appellee Falcon Private Bank Ltd. (“Falcon”), by and through its undersigned counsel, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, respectfully submits this counter-statement of additional issues to be presented and counter-designation of items to be

included in the record on appeal with respect to the appeal by Plaintiffs in the above-captioned adversary proceeding of the: Stipulated Order Granting In Part And Denying In Part Moving Defendants' Motions To Dismiss And Plaintiffs' Motion For Leave To Amend entered April 15, 2019; the December 6, 2018 Memorandum Decision; and the August 6, 2018 Memorandum Decision and Order Regarding the Defendants' Motions to Dismiss for Want of Jurisdiction (collectively, the "Appealed Decisions and Orders") before the United States Bankruptcy Court for the Southern District Of New York.

**COUNTER-STATEMENT OF
ADDITIONAL ISSUES TO BE PRESENTED ON APPEAL**

1. All issues designated or to be designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Appealed Decisions and Orders, including, without limitation, the issues stated in Plaintiffs' Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal (ECF No. 435)¹ and the issues stated in Defendant-Appellees' Counter-Statement of Issues to be Presented and Counter-Designation of Items to be Included in the Record on Appeal (ECF No. 437) filed on June 4, 2019 by Co-Defendants-Appellees BNP Paribas (Suisse) SA, BNP Paribas (Suisse) SA Ex Fortis, BNP Paribas (Suisse) SA Private, Caceis Bank Luxembourg, and HSBC.

**COUNTER-DESIGNATION OF ITEMS TO BE
INCLUDED IN THE RECORD ON APPEAL²**

1. All items designated or to be designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Appealed Decisions and

¹ Unless otherwise specified, citations to (ECF No. ____) refer to docket entries from *Fairfield Sentry Limited, et al. v. ABN AMRO Schweiz AG a/k/a ABN AMRO (Switzerland) AG*, Adv. Pro. No. 10-03635-smb (SMB) (Bankr. S.D.N.Y.).

² Items designated include all exhibits and submissions attached thereto and, as to hearing transcripts, any and all documents admitted into evidence.

Orders, including, without limitation, the items designated in Plaintiffs' Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal (ECF No. 435) and the items designated in Defendant-Appellees' Counter-Statement of Issues to be Presented and Counter-Designation of Items to be Included in the Record on Appeal (ECF No. 437) filed on June 4, 2019 by Co-Defendants-Appellees BNP Paribas (Suisse) SA, BNP Paribas (Suisse) SA Ex Fortis, BNP Paribas (Suisse) SA Private, Caceis Bank Luxembourg, and HSBC.

RESERVATION OF RIGHTS

Falcon expressly reserves the right to supplement the record on appeal or cross-appeal and to adopt the designation of any items designated or counter-designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Appealed Decisions and Orders.

Dated: June 4, 2019
New York, New York

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

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CERTIFICATE OF SERVICE

The undersigned certifies that on June 4, 2019, a true and correct copy of this document was served by electronic means as listed on the Court's ECF noticing system.

/s/ Eric Fishman
Eric Fishman